

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-4 are presently active in this case. Claims 1 and 4 are amended. Support for the amendments can be found at least at page 4, lines 28-30 of the specification.

In the outstanding Office Action, Claims 1 and 2 were rejected under 35 U.S.C. § 102(b) as anticipated by Dahlen (U.S. Patent No. 5,870,454). Claims 3 and 4 were rejected under 35 U.S.C. § 103(a) as unpatentable over Dahlen. Claim 4 was rejected under 35 U.S.C. § 112, second paragraph, as indefinite.

In regard to the rejection of Claims 1 and 2, Applicant respectfully traverse the rejection for the following reasons.

To establish anticipation under 35 U.S.C. § 102(b), the Office Action must show that each and every feature recited in the rejected claims is either explicitly disclosed or necessarily present in Dahlen.¹

Claim 1, as amended, recites a computer telephone coupling telephony system comprising, *inter alia*, a database connected to the digital interface, the database being configured to associate the computer address of the computer terminal associated with the number of the called telephone and comprising means for recognizing speech capable of recognizing a voice message output from the calling telephone, transcribing the voice message into a written message and transmitting data necessary to display the written message on the screen of the computer terminal associated with the number of the called telephone through the computer data transmission network, the written message being displayed on the display screen of the computer terminal while the called telephone receives the voice message.

¹ See MPEP § 2131.

Dahlen does not disclose or suggest at least the above-mentioned database feature of Claim 1. Dahlen teaches a message delivery system comprising “a subscriber profiled database (50) for storing an associated computer information of individual’s mailbox characterized in the voice messages are converted into text (80) and transmitted (40) for display to the recipient computer.”² However, Dahlen does not disclose or suggest a system wherein written message is displayed on a display screen of a computer terminal associated with the number of a called telephone while the called telephone receives a voice message, as recited in Claim 1, as amended. On the contrary, Dahlen discloses message delivery systems that deliver either only text messages or only voice messages at one time.³ Nowhere does Dahlen disclose or suggest a system wherein written message is displayed on a display screen of a computer terminal associated with the number of a called telephone while the called telephone receives a voice message, as recited in Claim 1, as amended.

Accordingly, Applicant respectfully submits that the rejection of Claim 1 under 35 U.S.C. § 102(b) should be withdrawn. Claim 2 depends on Claim 1. Applicant respectfully requests that the rejection of Claim 2 under 35 U.S.C. § 102(b) be withdrawn as well.

In regard to the rejection of Claims 3 and 4 under 35 U.S.C. § 103(a) as unpatentable over Dahlen, Applicant respectfully traverse the rejection for the following reasons.

Claims 3 and 4 depend on Claim 1. As discussed above with respect to Claims 1, Dahlen does not teach or suggest each and every element recited in Claim 1. For example, Dahlen does not teach or suggest at least a system wherein written message is displayed on a display screen of a computer terminal associated with the number of a called telephone while the called telephone receives a voice message, as recited in Claim 1, as amended. In addition, the rejection improperly relies upon taking official notice. Applicants do not agree with the United States Patent and Trademark Office and call upon the Patent and Trademark Office to

² Office Action of May 28, 2004, page 2, citing Abstract of Dahlen.

³ Figs. 3 and 4 and the accompanying descriptions of Dahlen.

supply proof of the assertion. See MPEP § 2144.03(c) and note that In re Zurko, 59USPQ2d 1693,1697 (Fed. Cri. 2001) requires concrete evidence.

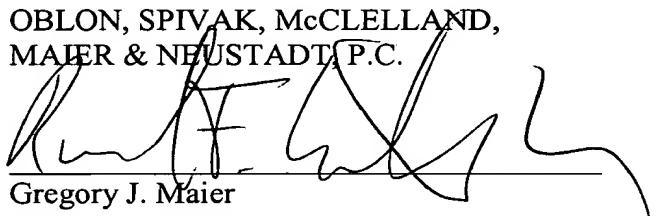
In view of the failure of Dahlen to teach or suggest all features of Claim 1, Applicants respectfully submit that Dahlen does not render Claim 1 obvious under 35 U.S.C. § 103(a). Since Claims 3 and 4 depend on Claim 1, Applicant respectfully requests that the rejection of Claims 3 and 4 under 35 U.S.C. § 103(a) be withdrawn.

In response to the rejection of Claim 4 under 35 U.S.C. § 112, second paragraph, as failing to provide proper antecedent basis for the claimed subject matter, Applicant has amended Claim 4 to correct the antecedent basis problem. Accordingly, Applicant respectfully requests that the rejection of Claim 4 under 35 U.S.C. § 112 be withdrawn.

In view of the foregoing remarks, Applicants respectfully submit that each and every one of Claims 1-4 defines patentable subject matter, and that the application is in condition for allowance. Applicants respectfully request reconsideration and reexamination of this application and timely allowance of the pending claims.

Respectfully submitted,

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